App. F. IX-4

193 (Genl) File No. 30-27

Previous References Genl 39-26 (1-4) Serial Nos. 1-8

Later References Genl 30-27-9

preserve

(83)

General and Revenue Secretariat.

Serial Nos. Eight

Part B for April 31

SUBJECT

Levy of assessment on lands included ~~included~~ in Mining leases and on which annual rent under the mining rules are being realised.

G. R. S. III—1]

GENERAL AND REVENUE SECRETARIAT.

Rev

NOTES.

File No. 868-26

FILE HEADING.

Levy of assessment on lands included in a mining lease

From

The Rev Commr in Mysore

No. C 3263 Dated 22-2-27 Received

Diary No.	Enclos.	Spare Copies.	Serial No.
6084			

BRIEF ABSTRACT OF LETTER.

States that the letter No D 4620/Secl 25-26-4 dt 21-12-26 from the Development Secy, State, that no land Rev need be received on mining leases leased on annual rent of Rs per acre & that this clashes with Sec 48 L.R.C & only contd in Art 98 of the Rev Manual & solicits

was fixing

NOTES AND ORDERS.

previous

The references are put up.

(2) The R.C states that it is equitable legal & levy assessment on such lands if it is the future policy of Govt to exempt such lands from assessment this only in the Revenue manual

NOTES—First Sheet.

WD 1881—GPB—30,000—1-8-25

The under Secy
directed that the
file leading to the
issue of the revised
Manning rules of 2.3.98
may be put from
the Dev Br department
up -
to Dev. Br with compts.

by
8.3.27

5759

GEN. & REV. SECR.

WW
8/3

Serial No.

may be ~~item~~ suitably modified
Subd for orders

24.2. (3) The file 5&R 32-26 referred to in the P.W.D is put up
The R.C was of opinion that assessment is leviable on mining leases in accordance with the G. of 3.1.1854 (R.71 of the new Rev. Manual) An extract of the G.O. is at flag T.

(4) It is not clear how in the revised mining rules of 1906 an annual rent of 1R per acre was fixed, ~~if raising it~~ in the face of the G.O of 1854. ~~Give~~ If approved, the Development Branch will be requested to put up the original file leading to the rules issued in Notn 553-8 of 2.3.1904 referred to in the letter of the Dev. Secy addressed to the R.C.

N

T

24.2

24/2

(4) Draft put up.

(5) Issue

2/3/27.

9/3

Issued vide 7708 G. 1/3/27

The rules directed that the main file leading to the rules of 1906 may be sent, subject with it

7.3

CH.

NOTE—Contn. Sheet

6084 ~~F.D.~~

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat | File No. 66 B 8 of 1926.

Serial No.

From the Dir. of Ind.

No. D, Dis No. 5/26-27 of 16.3.27

forwards his office file No 14503-04 B. & requests that the same may be returned when done with

(6) File obtained & sent herewith as desired

21/3/27

Rev. Br.

23/3

Mr KRS

(linked)

(7) The old file leading to the revised Mining rules of 1904 is put up. It will be seen therefrom that after much discussion, the old rule of charging full assessment on the lands included in mining leases was changed into one of levying a uniform rate of 1 rupee per acre on such lands

(8) Subs for orders if in the circumstances, the R.C may be informed that the G.O of 1894 is superseded but in this respect by rule 6 of the rules for the mining leases issued in the ROM of 1904

N

by 24.3 (9) In the case of assessed lands, it will be profitable to the govt. if the existing assessment on the land is recovered, as the re settlement has resulted in increased assessment. Subs for consideration

WD 01229—GPB—37,500—1-9-26

General and Revenue Secretariat

App. F. III—2]

LR File No 368 of 1926.

Serial No.

(10) In view of the order of Government at page 58 of the Revenue Manual it is perhaps for the best

(Sd) [illegible]

WD 574

(11) May be sent to Dev Branch for examining the file relating to issue of 1904 rules to see if any explanation is forthcoming for the change of practice then introduced

6615

GEN. & REV. SECTS.

DEVELOPMENT BRANCH

WD 914

(Dev. Br)

(12) When the question of issue of mineral licence Rules, 1897 came up for consideration in 1903 the then Geol Secy. Mr. W. F. Smeeth proposed a change (& condition 6 of the Rs. L. Form) and the explanations or reasons for the change are contained in

(1) the then Geol. Secy's memo. No. 81 G 11-3-1903 - paras 21-24 & pp. 12-14.

J

P&R

(2) Geol. Secy's further memo dated [illegible] on the objections taken by the then Rev Comm & Joint Committee for the introduction of the

NOTE—Contn. sheet

App. F. III—2]

General and Revenue Secretariat. | LR File No. 368 of 1926

Serial No.

change - (Rev: Comrs arguments - paras 16 + 17, and Ecol Secy's remarks - paras 14 + 15 on pages 6 + 7 + 66

L

13) Kind attention is also invited to :—

(1) the item Demand included in the margin of para 26 - page 67.

M

(2) the item Demand Commission note (Lo St. St) & 2.10.1903 (particularly portion marked in pencil - page 108)

K

+ (3) final Corrections made in accordance with the decision arrived at treated as a new clause 6 of the mining lease form appended to the rules of March 1904

J

26-6-27

Rev. Br)

(14) It is seen from a study of the references flag-marked that a round rate of 1 R per acre was levied on all lands held included in mining leases in place of the

NOTE—Contn. sheet

Serial No.

assessment on these lands. This proposal was finally accepted by the then Rev. Comm^r, seeing that there would not be any loss by this procedure Subd for orders, if in the circumstances the R.C may be informed that the levy of one rupee per acre is in lieu of land Revenue Assessment & that no further levy of assessment on the lands in question need be made.

hy 26/4. But it is submitted, during Revised settlement the assessment might have been raised & in many places the lowest rate of dry land will not be much less than Rs1/—. Therefore it will be in the interest of Govt if the assessment alone is demanded instead of a flat land rate of Rs1/- per acre. This aspect of the question is for consideration

levy 27/4 Chd Secy) 28 27/4

(15^c) The question was fully considered and settled in 1904 when the revised rules were issued. The R.C may be informed accordingly and AR 98 of the Revenue Manual

NOTE—Contn. sheet

GPB—5,000—30-3-27

6074

App. F. III—2]

General and Revenue Secretariat.

(7

File No. 368 of 1926

Serial No.

DEWAN'S OFFICE.
Received on
12. MAY 1927
Reg. No. 850

1114/5
28/4

suitably corrected

Just Council

nil
28/4

(16) I do not see sufficient justification for permitting these lessees to pay less than the Assessment if at time, they have to pay more.

(17) I believe the Diwan is considering the question of revising these mining lease Rules altogether. In that case, this point might also be referred to the Officer or Committee appointed for the purpose.

(18) The trend of opinion now is that Govt. do not surrender at all their proprietary rights over underground minerals; that any Compy that may take up this work shall be held agents of Govt. & that the practice under wh. we have lost for all time our valuable minerals for a paltry royalty is not justifiable

(19) The file may be submitted to Diwan after return

Lee
29/4

Mr. Nair
D.I.
2/5

Sms B Hill
14.5.27

(20) Submitted
(21) 11 June
1 to B Hill
1915

nil
29/4

NOTE.—Contn. sheet

6951
19/5

GPB—5,000—30-3-27

nil
19/5

6684
GP

App. F. III—2]

(8

General and Revenue Secretariat.

File No. 36e of 1926.

Serial No.

(22) Please obtain the views of the Dir of Geology on the R C's letter dy 17. 2. 27.

(23) The present practice in Baluchistan in this respect may be noted.

mnk
21/5/27

24) To Leg. Dev Dept

mnk
21/5/27

25) Please put up file & Dis & Geo

21 5 27

26) Draft letter as mkd.

Leg D)

23/5
23.5.27

27) Issue

26/5/27

To. The Director Geol.
No D. 10683 dy 31.5.27

Fds for his remarks copy & letter no C.3263/22-23 dy 17.2.27 from the Rev. Comnr in the matter of levy of assessment on burning lime and calls for information as soon as possible.

NOTE—Contd. sheet.

REV SECTT.
GEN.

WD 2293—GPB—10,000—4-5-27

8745

App. F. III—2j

(9

General and Revenue Secretariat. | G. R. File No. 3685 of 1926.

Serial No.

From the Dir. of Est
No. D, Dis 5/26-27. dt 14.6.27
Requests the return of this office file No. 1457/03-04 forwarded with letter No. D, Dis 5/26-27 dt 16.3.27.

28) The opinion called for as per Member's orders (Paras 22 & 23 of Note) has not yet been received. The Director may in the meantime require this ~~correspondence~~ office file, if asked. the same will be returned forthwith & retransmission with his opinion

yes

29) For orders
22/6/27 VS 22/6/27

30) Please request the Dir to expedite his report.
MP 24/6

31) Draft sd.
22.6.27 VS 32) Issue
MP 25/6

To the Director of Est
No D. 11455 dt 25/6/27
Returns the file & papers received from here. The original file leading to this order are missing here.

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

(10

532

App F. III—2]

General and Revenue Secretariat. Ext. File No. 368 of 1926.

Ecol. 30 -27

Serial No.	
	from the Dir. of Ecol no. R. Dis no 1/27-28 & 18/27 furnishes his views in the matter of recovery of land revenue on assessed S. Nos. included in the mining leases. Refer - Paras 22 of rules-P.8.
	33) the Dir in explaining the facts of the case says that the levy of rent on mining blocks at a uniform rate of one rupee per acre has worked well without any hardships or inconvenience to the mining public & Rev. authorities (Para 6 of p.cc-d), and that Govt. should be satisfied with the present system (Para 3 - marked in pencil), viz. recovery of Govt rent of Re. 1/- per acre Re-para 23 of rules -p.8.
	34) Re para 9 of his letter the practice in Rr. Dudia is explained.
P.W.D	35) ~~the Para 2 was numbered as the~~ paragraphs in the letter have not been numbered as required by G.O. no. G. 1398-414/G.M. 100-10-1 & 30.8.1910 - (Sec. 58 of the General

532 11

Eccl. 30-27 App. F. III—2]

General and Revenue Secretariat. File No. ~~360~~ of ~~1926~~.

Serial No.

Circulars & Standing orders

36) for order

21/7/27

37) Reference para (23): ~~that is~~ The present practice in Br. India in this respect is noted in para 9 of Sir's letter. There is no ~~reason~~ room to modify the levy of Re 1/- per acre on area under mining leases. The Rule in the New manual may be considered as superseded by this order; and the rule may be changed in accordance therewith.

23.7.27

Dy Secy)

38) It is quite clear that both ground rent and revenue assent cannot be charged, because in the discussion on the subject they were considered as alternatives, and the former was preferred as conforming to the principle that the rent of land put to a different use from agriculture shd not be less than the rent of agricultural land (Please see Col. Grant's note, p 101) It was believed - on the basis of the two rates of assent obtaining in 1904 - that a flat rate of Rupee one per acre was not much higher than the legal assent. that if we enhanced also for the damage

M

NOTE—Contn. sheet

App. F. III—2]

General and Revenue Secretariat.

Geol. 30-27

File No. ~~366~~ of 1926.

Serial No.

Rec'd The land in mining

3(i) While there can be no doubt that both the ground rent and revenue assessment cannot be/ ~~simultaneously~~ changed on the same land ~~at the same time~~ and that to this extent the rule in the Rev Rec should be considered superseded and to require revision - it is necessary that the ground rent itself should be raised in view of the general rise in assessment The ground rent is really (i) compensation for loss of revenue assent + (ii) compensation for damage to the land, & should therefore ~~should value~~ by never less than the revenue assent. It does not include value of mineral removed, for that item is covered by royalty

4(i) I think the Dir of Geo should be asked to consider this aspect of the question & propose a revision of ground rent to make it correspond with the general rise in rates of land assessment

(2d Member)

27/7/27

27-7-27

OFFICE OF THE SECOND MEMBER OF COUNCIL
27 JULY 1927
No. 615

NOTE—Contn sheet.

WD 0224 -GPB—60,000—24 5 27

5-32

13

App. F. III—2]

General and Revenue Secretariat. Coal 30/1927

L.R. File No. 368 of 192 6-

Serial No.

41) I agree in the above view. The levy of assessment under Land Revenue Rules in addition to an annual rent under Mining Rules cannot be justified and this question was set at rest in 1904 after protracted discussion. Article 98 of the Revenue Manual may be revised so as to be in harmony with Mining Rules and the rent realised under the latter may be considered as the assessment payable under the former.

DEWAN'S OFFICE. Received on 9 AUG. 1927 Reg. No. 1148

42) What should be the rate of annual rent to be levied in lieu of assessment is a point which may be re-considered in the light of modern conditions. Whether by prospecting or mining, land is considerably damaged by licensees and lessees and what they now pay, apart from royalty which is the payment for minerals removed, is not adequate for loss of assessment and cost of making good the damages caused by them. Whether the increased payment to be demanded of them should take the form of enhanced annual rent per acre, or of an enhanced initial deposit to be forfeited and used for fencing and other measures when the licensees and lessees do not themselves attend to such measures on abandoning their blocks, or partly in one form and partly in the other, are points which may be considered in connection with the revision of the

When they neglect their work

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat. ~~L.R.~~ Geol. 30 of 1927 File No. ~~368~~ of 192~~6~~

Serial No.

the Mining Rules and ~~it~~ they may be referred for the opinion of both the Revenue Commissioner and the Director of Geology.

Dewan)

43/ Please put up after letters to R Comr & Dir of G.

44/ Subd. with 2 drafts.

45/ Whether the drafts, should issue from the Dev. Secty, or Chief Secty. is also a point for orders

46/ Dfts for approval

Dev. Secy)

47/ Issue

15/0

NOTE—Contn. sheet.

WD 0321—GPB—60,000—24-5-27

~~108~~ 15

2232

App. F. III—2]

General and Revenue Secretariat. Genl File No. 30 of 1927

Serial No.	
2	To the Rev. Comm. No. 2097 & 25.8.27 Calls for further information in the matter of levy of assessment (land) in order to mining grant
3	Do the Dir. of Geol No. 2098 & 25-8-27 Requests him to state whether the rate that is now being levied on lands covered under P.L & M.L is sufficient ~~to meet the expenses~~ or any additional levy is necessary
4	From the Dir. of Geol No. Dis 1/27-8 of 13.9.27 States that the present fixed grant of one rupee per acre is equitable & fair & that the question of enhancing the deposits on P.L will be considered separately 48) No reply has yet been received from the Rev. Comm & may this be awaited for orders

GEN. & REV. SECRETARIAT. 26 AUG 1927 DEVELOPMENT BRANCH.

14.9.27 ✓ 49) Returned Rc. 2219

50) Draft Subd 23-9-27 ✓ 67) Issued 2719

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5 27

1232 - 27

General and Revenue Secretariat. Genl File No. 30 of 1927

erial No.

Rd. D. 3312 & 28.9.27
To the Rev. Comsr.
Requests him to expedite the submission of the report called for in 8.2

Filed. for orders.

57) In spite of 5 reminders no reply is received on the subject from the Rev Comsr

58) Draft D-o. reminder put up 11/1/29.

59) Issue Cir. 11.1.29

D.O. reminder issued No. D-7173 & 12-1-29

D.O. No. C/3623 of 1922-23 & 1.2.29 from the Rev Comsr

Requests that file of papers containing discussions that led up to G.O of 1904 may be forwarded

55) The file of the old Genl. Secy now required by the Rev Comsr contains lot of discussion between the then Rev Comsr some papers addressed to Govt & the Residency as well communications, then

56) Memos & notes furnished

Put up below

NOTE--Contn. sheet.

2

GEN. & REV SECRETARIAT
2 - SEP. 1927
DEVELOPMENT BRANCH

WD 0321 -GPB—60,000—24-5-27

6377

App. F. III—2]

General and Revenue Secretariat. Rev. File No. 30 of 1927

Serial No.

to Govt. by the Rev. Comm. must necessarily be available in the (maintained) in that office file & as such it is not known why the discussion between the members of Govt. & the Revenue should be known by the Head of the deptt.

57) Rule 326 of the office manual states that rules &c. in the Secretariat files are confidential

58) For orders

ng. 5.2.29

59) Secy. Rev. 12.2.29

60) I think the file may be sent.

... 5223. 1st Member)

61) (illegible) 27.2.29 Rev. 27/2

28.2.29

28.2.29 Rev. 28/2

62) Draft D.O. put up

ng. 1/3/29

63) Issue

1/3

D.O. No D.905 dt. 2.3.29 to the Rev. Comm. forwards the file required

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

Serial No.

5- From the Rev: Comr
No C. 3263/22-23 & 27/5/29
Submits a detailed report in the matter of levy of land assessment on lands covered under prospecting licenses & mining leases in addition to the mining rent
6&) In para 2 of the letter ~~from~~ Rev Comr. states that replies recd. so ~~far~~ far from the Dy. Comrs on the point has been tabd
65) the opinions of all Dy. Comrs on this important question except Tumkur have also been sent in original. Since that is also necessary the Rev. Comr. will be requested to obtain the same & furnish to Govt. if asked. + on receipt of a complete reply the Dir. of Geol ~~will be~~ to be consulted ~~again~~ in the light of the informations furnished by the Dy. Comrs
66) For orders
27/5/29 67) Yes, please ask R.C. to send opinions of the remaining D.C's also i.c. of Tumkur
Chn
21.6.29
68) Draft put up.
25/6/29 69) Issue
Chn
26.6.29

NOTE—Contn. sheet

Serial No.	
6	To the Rev Comm No. d. 13718/27.6.29 Requests leave to obtain the opinion of the Govt Comm marked & submit to Govt
7	From the Revenue Commr. No. 6.9263/22-23 d. 11.11.30. Forwards copy of letter No. L.Dis.41. 5949-29-30 d. 7.11.30 from the D.C. Gum-Kun stating that the levy of assessment under L.R. Rules in addition to an annual rent under Mining Rules is not justifiable but that he is of opinion that the initial deposit payable in respect of a license may be enhanced from Rs. 100 up to Rs. 200 per acre or portion thereof.
(10)	Refer ——— paras 64 to 67 on the previous page noted for orders. NAV. KP 24.11.30
(11)	The question considered in this file was whether as suggested by the Rev., the annual assessment should be charged under Art. 98 of the Rev. Manual under rules from on all assessed lands including mining lease in addition to the flat ground rent of Re 1 per acre paid by the lessee for the whole area of the lease under the mining rules.
(12)	It has been decided that it is not justifiable to levy both assessment and

GEN. & REV. SECRETARIAT
29 JUNE 1929
DEVELOPMENT BRANCH.

WD 01684—GPB—30,000—20-4-29

Serial No.

ground rent from the lessee as that at 98 of the Rev. Manual should be suitably modified (vide para 41). But it was ordered that the question of revising the present rate of ground rent or the undue deposit in order to compensate Govt. for the damage done to the land, should be examined in connection with the revision of the mining rules, in consultation with the Chief Conservator & the Director of Geology (Para 42)

3. The opinions of the Dy. Commr, the several Divl Officers & the Director have now been received.

The Divl. is not in favour of revising the present rate for the following reasons:- (Rags 7 to 9)

(1) the rent of Re 1/ per acre is paid on all lands, both occupied & unoccupied, assessed or unassessed thereof, comprised in the mining blocks,

(2) in addition to the above rent, the ordinary land revenue is recoverable from the occupants of assessed lands included in the blocks, until they make over their surface rights to the lessee,

(3) as a large no. of economic mineral ores are found only in waste unoccupied lands, which although bring little or no revenue to Govt, the ground rent recovered on such lands will amply compensate Govt. for any loss of revenue on occupied lands which may be utilised in rare cases,

(4) even when good revenue paying agricultural land is mined, it can in most cases be made fit for agricultural again after the mining operations are over

(5) in cases of deep mining when the land is

Note—Contn. Sheet

WD 01684—GPB—30,000—29-1-29

General and Revenue Secretariat — Genl. File No. 38 of 1927

Serial No.

permanently ruined, the royalty recovered on the ores will compensate for loss of revenue.

(14) As regards the deposits made to ensure the rehabilitation of the land after mining operations are over, the Dir thinks that the deposit of Rs 1000 now fixed for mining leases is adequate, but that, if necessary it may be enhanced. In regard to prospecting licenses however, he thinks that the present rate of deposit (Rs one to 10 per acre) is inadequate. The question will be considered in connection with the revision of the mining rules. (New revised rules are now before Govt.)

(15) The views of the various D.C's are shown in a tabular form (Flag X)

P.W.D. The P.C. is of opinion that the notification of 1904 (N) fixing a flat rate of rent, is not irrevocable & that it is open to Govt. to revise the arrangement from time to time, but not so as to affect existing rights. He, therefore, considers that the present opportunity should be taken to place the whole question of levying the assessment on such lands on a more equitable and rational basis. If, however, Govt. think otherwise, he suggests that the rent may be raised so as to be as near as possible to the maximum day rates levied in the area, i.e. not

Note—Contn. Sheet

WD 02328—GPB—10,000—22-4-30

3810

GV

Geol. File No 31 of 1927

General and Revenue Secretariat

Serial No.

less than 15 per cent.

7) The point to be considered is that Govt. should not be a loser by giving out assessed lands for mining purposes. For reasons given by the Director of Geology it appears that ordinarily there would be much loss. However, it would, perhaps, be better to get some definite information in the case of a few selected blocks of mining land as regards the revenue derived by Govt under the existing leases & the revenue that would have been derived if the land had not been taken up for mining purposes. If this is considered unnecessary, the rearguments of the Director seem to have much force in them & the existing state of things may, perhaps, continue.

Secy (J) Ce 3/1/31 3/1

77 Please put up file re revision of Mining & Prosp?. Rules

Bn. 5/1, Ce 9/1

Yubd 11.

The above file has been sent to the Law Govt on 26.12.30 and has not yet been received back. 19/1

NAV. KP (77) 16.1.31 Secy (J) Ce 19/1

77 (J) We can at least get a (typed) copy of the draft revised rules for consideration of the question

Bn. 21/1 Ce 4/1

Note—Contn. Sheet

3891 23

App. F. III—2]

General and Revenue Secretariat

Govt. File No. 30 of 1927

Serial No.

Flag B

1)

A typed copy of the revised Mining Rules obtained from the Geological Director's office is put up herewith as directed & file resulted for orders.

MRR

27.1.31. Secy (G)

Ca 29/1,

Receives back from Addl. Secy. for furnishing further information

Ca 29/1,

1) Secy (G) Ca 29/1,

The deposits & fees to be paid under the existing rules & under the proposed new rules are as follows:—

	Prospecting licence		Mining lease	
	Security deposit	Rent	Security deposit	Rent
Present rule:	Not less than Rs 100	Rs 50 for each square mile or portion thereof	Rs 1000/-	Re 1/- for each acre & commutation thereof
		Not less than income must not more than 1/2 the area	Rs 1000/- for mica, iron ores Rs 5000/- for other minerals	Re 1/- for iron, for gold & tantalum and for other minerals — Commutation Rs 30/1
Revised rules	Rs 100/-			

3) Secy (G) 30-1

The Rev Com proposes that the ground rent (annual charge) should not be less than 2 Rs per acre as against one rupee per acre as levied now. The grounds urged by him are that one rupee was fixed Rs per acre as 1903 and that in view of the resettlements which have resulted in the enhancement of rents and increased revenue the Govt grant for prospecting or mining leases also to contribute to this increase

Note—Contn. Sheet

WD 02328—GPB—10,000—22-4-30

-55?

2h

File No .of 192 | eneral and Revenue Secretariat

Serial No.

OFFICE OF THE
THIRD COUNCIL
2 FEB. 1931
4328

The Dir of Geol contends that the rate of one rupee per acre is equitable and fair having regard to the fact that this rate is payable also on the extent of waste lands occupied or unoccupied, assessed or unassessed and comprised in the block. The rate of one rupee appears to have been fixed specially low with a view to attract prospectors + encourage mining. Now having regard to present conditions it does not appear to be necessary to stick to this low rate It would be quite equitable and fair if the lands comprised in the block are assessed at the highest rate prevalent in the locality for each class of land comprised in the block. If this is agreed to necessary alteration in the prospecting rules in force + also proposed to be revised has to effected

3rd Member

Second Member 31/1 CR 31/1

Dewan

Note–Contn. Sheet

General and Revenue Secretariat L&R.O File No. 30 of 1931

Serial No. (1)

L&R.O

Survey & the extremely depressed condition of the mining industry in the Kolar area & the favour of thereby upon leaseholders any further add burdens. It seems them to pay the full assessment on all land according to the survey rates on their classification when presently they derive no benefit from cultivating the land does not seem to me to be fair the rate may be raised to Rs 1-8-0 per acre The matter may be considered in Council as important principles are raised & the Hon Council & the Govt being requested to present—

(2) I think this would be desirable

Sd 3/4/31 Sec. 4/2 Ca 4/2

Sd 5/4/31 Sec. Ca 6/2

OFFICE OF THE SECOND MEMBER OF COUNCIL 4 FEB. 1931 No. 1260

Chief Sec. with compts Sd. 7/2

(3) Concur

(4) May be considered informally at the next meeting Some mining leases have I understand, been surrendered. I do not think this is the proper time for increasing the rate of rent.

Sd 7/2/31

(5) This not necessary I shall be C and Dr of Cooperg to be present at the next meeting as the discussion of this question may have to be deferred

NOTE—Contn. Sheet

WD 02553—50,000+GPB—8-7 30

(For informal consideration) 9
~~(For Disposal at a Meeting)~~

26

No. C. 285

of 1930-31

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ix of the Schedule)

Proposals for levying land revenue assessment on lands which are included in mining leases and on which annual rental under the mining rules are being recovered.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief Secretary to Government.

10th February 1931.

~~Executive Member of Council~~

First Member of Council.

Second Member of Council.

Third Member of Council.

3890 Genl. 30-27

Pre. Ref
file no 1145 B
1907-4

9 285 27

Subject:-

Proposals for levying land revenue assessment on lands which are included in mining leases and on which annual rental under the mining rules are being recovered.

OPINION OF THE COUNCIL.

May lie
MEL
24/2/31

To Dewsee,
with Compliments
MEL
25/2/31
Hm 28/2
cc 28/2
Record.

B
MM
4.4.31

GEN. & REV. SECRETARIAT.
7 APR. 1931
DEVELOPMENT BRANCH.

28

	Assessed land diverted permanently for non-agrl. purposes or rendered unfit for cultivation	Assessed land used temporarily for non-agrl. purposes & not rendered unfit for cultivation	Assessed land not put to any non-agrl. purposes	Ground rent on all lands included in the block	Deposits
D.C.; Bangalore	Fine under S. 63 L.R.C.	An anual ground rent from 1 pie to 3 pies per sq. yd.	Full assessment		May be enhanced when necessary in particular cases
Kolar				May be enhanced to Rs 2 per acre for both prospecting & mining	May be doubled
Mysore				Rs 3/ per acre for dry lands & Rs 15/ per acre for wet & garden lands, payable in advance on 1st July	
Hassan				May be suitably enhanced to include loss of assessment & loss of repairing damage	May remain as at present but when area of reclamation lands exposes, the excess should be recovered
Shimoga				Assessed lands - double the rate of survey assessment. Unassessed land - present rate may continue.	May be doubled
Kadur	Fine of 25 times the revenue in addition to rent			If land revenue be not recovered in addition to the rent, the latter should be raised by an amount equal to the revenue. Malki to be recovered as an upset price	May be fixed affording high & care, cost of reclamation not less than 25 times the assessment
Chitaldrug				May be increased by as 8 per acre	Rs 50 per acre

P.T.O.

G. R. S. III—5]

3890

Geol. 30-27

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Flag Q

The file of papers (No. 145 B of 1903-04) containing the Rules re: the grant of Mineral concessions in Mysore which belongs to the old Geological Yeatt which was got from the Geol office for being sent to the Rev Commr for report and return. As the file re levy of land revenue assessment on lands which are included in Mining Leases has been ordered to be recorded, this file will be returned if appd,

to the Geological office.
Send with a draft for orders
SRV
10.4.31.

Issued 11/4

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form

No. C 3263/22-23

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

Dated Bangalore 17th February *1927.*

FROM

P.G. D'Souza Esq., B.A., B.L.,
Revenue Commissioner in Mysore.

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

Solicits instructions re: Levy of assessment on lands included in a Mining Lease.

SIR,

I have the honor to forward herewith a copy of Decelopment Secretary's letter No. D.4620/Geol.39-26-4 dated the 21st December 1926 stating that no land revenue need be recovered from a lessee on lands included in his mining block on the ground that the payment of the annual rent of Re 1/- per acre absolves him from payment of land revenue, and to state that this will clash with the rules laid down in Art.98 (page 71) of Revenue Manual, Vol.I, which direct the recovery of the assessment from such lessees.

2. Under Section 48 of Land Revenue Code, there is provision for the levy of assessment upon lands whether used for agricultural purposes or not and the rules referred to above provide that in the case of mining leases, the lessee automatically becomes the registered occupant of assessed occupied land included in the lease. In the case of prospecting licenses, the licensee is given the first chance of acquiring the right of occupancy in such land.

3. In these circumstances, I am of opinion that the annual rent of Re 1/- per acre levied by Government in the Geological Department on blocks of lands included in a mining lease does not absolve the lessee from the statutory liability to pay land revenue to Government, unless Government hold that this fee is in the nature of land assessment under clause (b) of Section 48. The value of such lands will also be reduced by mining operations

and the lands frequently rendered unfit for cultivation and it is only fair that Government should be reimbursed for this loss. I am of opinion that it would be legal and equitable to levy assessment on those lands. If the future policy of Government is to exempt such cases from payment of land revenue, the rules in the Revenue ~~Department~~ Manual referred to above should be suitably modified.

I have the honor to be

Sir,

Your most obedient servant,

Revenue Commissioner.

M.B.R.

Letter No. D.4620/Geol.39-26-4 dated 21st December 1926
Development
from the Secretary to the Government,/Departments to the Revenue Commissioner in Mysore.

With reference to your letter No. C.905/25-26 dated 18th August 1926 requesting orders in the matter of the recovery of land revenue on the survey numbers included in Mr. A. Ahmed Ali's gold mining block in the Bowringpet Taluk, under Mining Lease No.III - I am directed to tate that the levy of the annual rent of one rupee per acre imposed under notification No.555-S dated 2nd March 1904 was in lieu of the original obligation imposed on such leases to pay land assessment included in their mining blocks, and as such no land revenue need be recovered from the lessee in question.

2. Records received with your letter under reply are herewith returned.

" Copy "

For Revenue Commissioner

M.B.R.

No L.Dis. D6. 698/27-28. 4

Office of the Deputy Commissioner
Mysore District.
Dated, Mysore, 19th September 1927

From

A.V. Ramanathan, Esq., B.A.,
Deputy Commissioner, Mysore District.

To

5571 A.K. Syed Taj Peeran, Esq., B.A.
Revenue Commissioner, in Mysore,
Bangalore.

(606) C 3263/22-23 SEP 21 1927

Sir,

Recovery of Land Revenue on assessed Survey Numbers included in the Prospecting Licenses and Mining Leases.

With reference to your memo No. C. 3263 of 22-23 dated 10th September 1927 forwarding the copy of letter No. D. 2097/GAD 30-27-2 dated 25th August 1927 received from the Secretary to Government, Development Department and calling for my opinion on the above subject, I have the honour to state that Rs 3/- an acre may be levied in respect of dry land. Government wet and garden lands will not ordinarily be included in such licenses or leases, are, the rent should be Rs 15/- per acre and payment has to be made annually in advance on 1st July failing which the lease or license will automatically lapse.

I have the honor to be,

Sir,

Your most obedient Servant,

For Deputy Commissioner,
Mysore District.

In all future communications please quote --
No. L.1044/27-28.
Enc.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated Bangalore, the 7th November *192*7.

FROM

G. B. HEBLIKAR, ESQ., B.A., L.L.B.,
Deputy Commissioner,
Bangalore District.

8715

To H.S.

(606)

P. G. D'Souza, Esq., B.A., B.L.,
Revenue Commissioner in Mysore,
Bangalore.

3263
22-23
NOV 10 1927

SUBJECT:— Levy of rent on assessed S.Nos. included in the prospecting licenses and mining leases in lieu of assessment.

SIR,

With reference to your memo No.C.3263/22-23 dated 10th September 1927 forwarding a copy of the Development Secretary's letter No. D.2097/Gad dated 25th August 1927 re. the above subject and calling for my opinion on para 2 of that letter, I have the honour to state that I am of opinion that in case an assessed land is actually diverted permanently to non-agricultural purposes or rendered unfit for cultivation, fine under 63 of the Land Revenue Code may be levied. Where, however, it is used for non-agricultural purposes but can be used again for agricultural purposes, annual ground rent at rates varying from 1 pie to 3 pies per square yard may be levied. In the case of assessed Survey numbers included in the area which are however not put by the licensees to any non-agricultural use, full assessment may be levied. As for enforcing protective measures, the licensees and lessees may be required to deposit the approximate value of fencing etc., within a fortnight whenever called upon to do so the amount being refundable if fencing etc., is done by the lessee or the licensee. It is understood that the licensees deposit a sum of Rs 100/- towards these expenses. This sum may be raised further in particular areas or in respect of licenses for particular minerals, where the pits have to be taken deep.

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Bangalore District.

JSL/-

6

OFFICE OF THE DEPUTY COMMISSIONER,

HASSAN DISTRICT.

Loi 307 4

Dated Hassan, the 9th November *192* 7

FROM

8751

.....S. Venkatrangam,.....ESQUIRE, B.A., B.L.,

DEPUTY COMMISSIONER, HASSAN DISTRICT.

(66) Hy.

3263 22-23

NOV 10 1927

IN

.....P.G.D'Souza,.....ESQUIRE, B.A., B.L.,

REVENUE COMMISSIONER IN MYSORE,

BANGALORE.

SIR,

Subject: Rent payable on prospecting licenses and mining lease.

With reference to your memo No. C.3263/22-23 dated the 9th/10th September 1927, calling for my opinion as to what should be the ~~amount~~ annual rent to be demanded from the holder of a mining or prospecting lease in view of the general ~~rise~~ in assessment etc., I have the honour to state that taking into consideration the general rise in assessment and the fact that the land is considerably damaged by prospecting or mining, I am of opinion that the rent to be demanded from a lessee may be suitably enhanced so as to include loss of assessment on the land and the cost of making good damages caused to the land. The initial deposit rates to be demanded from a lessee may remain as they are, if damages are extensive and if the cost of restoring the land to its original condition is very great and exceeds the deposit amount also, actual cost of restoration will have to be recovered from the lessee in addition to rent.

I have the honour to be,

Sir,

Your most obedient servant,

R. Ramaiyengar

for Deputy Commissioner,
Hassan District.

ISD.

Tel: Address:—Depcom.
CHITALDRUG.

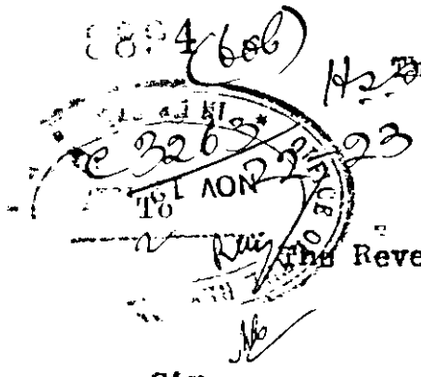
In reply, please refer to
No. A-2 C.260/27-28
Enclosures.

7

OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT.

Dated Chitaldrug 10th November *192* 7

FROM



The *Deputy Commissioner,*
Chitaldrug District.

To

The Revenue Commissioner in Mysore,
Bangalore.

Sir,

With reference to your D.O. No.C.3263/22-23 dated 8th November 1927 calling for a report regarding the recovery of assessment on assessed survey numbers included in prospective licenses and mining leases, I have the honor to state that the report called for from the Sub Division Officer, Chitaldrug, in the matter has not been received till now in spite of several reminders. A stringent order has been issued to him today and on receipt of the same the report called for will be submitted without delay.

I have the honor to be,
SIR,
Your most obedient servant,

For Deputy Commissioner,
Chitaldrug District.

8

D.C.3.]

No. A6-1370/27-28.

OFFICE OF THE DEPUTY COMMISSIONER
KADUR DISTRICT.

ENC. 9159

Dated, Chikmagalur, 14th Nov. *1927.*

FROM

3263 22-23
NOV 16 '27

H. V. Ramasvami, Esq., M.A., B.L.,
Deputy Commissioner,
Kadur District.

To

P. G. D'Souza, Esq., B.A., B.L.,
Revenue Commissioner in Mysore,
Bangalore.

SIR,

With reference to your Memo No. C.3263/22-23 dated the 10th September 1927, calling for my opinion in the matter of the recovery of assessment on assessed Survey numbers included in prospecting licenses and mining leases, I have the honour to state as follows:-

1. Where Government lands (assessed) are given out for prospecting purposes, both the surface and the underground soil is given over to the person.

2. As an agricultural land, it was yielding Government the revenue thereon. For prospecting purposes the fee was being levied in addition.

3. The land is likely to be rendered unfit for cultivation, even though a deposit may be insisted upon, it is likely that the damage in many cases may not be repairable at all.

So it is just that if the land revenue be not recovered as an indpendent revenue and the prospecting fee separately, the fee may be raised by the assessment of the land.

4. The deposit for rendering the land fit for cultivation may be fixed sufficiently high to cover the cost of filling up pits etc, according to each case, plus also a sum equal to 25 times the land revenue, so that in case the land is rendered so unfit as to make the cultivation impossible, it may be treated as Kharab.

5. Under Section 48 of the Land Revenue Code, such lands may be assessed not only at the usual rate of assessment but also at an

an enhanded rate and that rate ought to include such expenses and losses to Government. Therefore the annual rent per acre under the Mining Rules ought to include land revenue plus as an upset price, the malki value. Also a sum not less than 25 times the assessment may be recovered as a deposit, returnable to the party after the lapse of the period of lease in part or in full, after examining the land and assessing the damage caused.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Kadur District.

M.N.S.

In all future correspondence please quote
No. L. A1-C447/27-28

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT.

Shimoga Dated 12/13-1-1928

From

D.C. Subbarayappa, Esquire, B.A., B.L.,
B. T. KESAVAIENGAR, Esq., B. A.,
Incharge Deputy Commissioner.
Shimoga District.

3259
C N

OFFICE OF THE REVENUE COMMISSIONER
No. C.326
JAN 15 1928
IN MYSORE

To

The G. D'Souza, Esquire. B.A., B.L.
Revenue Commissioner in Mysore
Bangalore

Sir,

With reference to your Memo no 3263/22 dated the 10th September 1927 calling for opinion in the matter of increase of initial deposit and rate of rent levie on lands included in the area under Prospecting licenses and mining leases, I have the honor to State that the amount o initial deposit now received is too insu to cover the expenses of fencing and fillin of pits dug up during the term of the licens and leases and that the same may thereu be increased - to double the present rates

2. As for enhancement of rent in lieu of th assessment - on lands included in the area unde prospecting licenses and mining leases, the rent in the case of assessed lands may be fixe at double the rates of Survey assessment of th lands concerned, the rent realized in the cas of unassessed lands being continued at the present rates

I have the honor to be.
Sir
Your most obedient servant
D. C. Subbarayappa
Deputy Commissioner,
Shimoga District

In all future correspondence please quote—
No. H4-C-323/27-28.
Encls.

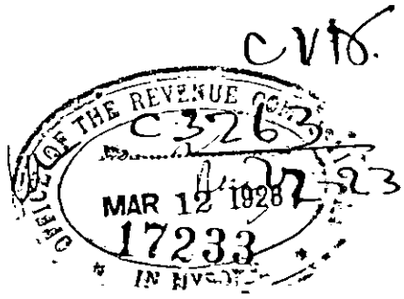
OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT.

Dated Kolar, the 6th March *1928*

FROM

A.K.Syed Taj Peeran, Esq.,B.A.,
Deputy Commissioner,
Kolar District.

CVII.



To

P.G.D'Souza, Esq.,B.A.,B.L.,
Revenue *Commissioner in Mysore,*
Bangalore.

SIR,

Subject:- Land Revenue
Recovery of - on lands included in the prospecting and mining leases. Article 98 of Revenue Manual.

With reference to your Memo No.C.3263/22-23 dated 10th September 1927 calling for my opinion in the matter of enhancement of annual - rent recoverable on lands included in the prospecting and Mining - leases as per existing rules, I have the honour to state as follows:-

The existing rates of annual rent and deposits prescribed in the Rules published with Notification No.G.25838-Geol 57-18-20 dated 12th May 1920 are:

(1) For prospecting-licenses

Rule 21. Annual rent Re. 1/- per acre.

Rule 22 Deposit Rs 100/-.

(2) For Mining leases

(Clause 6 of the Mining lease published with the above notification).

Annual rent Re.1/- per acre.

Rule 37 Deposit Rs 1000/-

The rent which lessees are required to pay at present does not - compensate for the loss of assessment and the lumpsum deposit made by the lessees is often found to be quite inadequate to make good the damages caused by them by way of digging trial pits etc., when they - neglect or abandon the work. Further it may not be possible to say -

say with any definiteness whether the surface area of the Mining blocks will be fit for cultivation when mines ceaseto work. So far as the immediate question is concerned the - existing rates require to be enhanced.

The maximum rate of dry assessment as per survey valuation is Rs. 3/- and the minimum Rs. 1-4-0 per acre in the District. As it is under contemplation to amend article 98 of the Revenue Manual so as to warrant the levy of one consolidated assessment, I am of opinion that an annual rent, of Rs. 2/- per acre is reasonable in the case of both the Mining and prospecting licenses. The initial deposit may also be doubled in both the cases.

I have the honour to be,
S i r,
Your most obedient servant,

For Deputy Commissioner,
Kolar District.

A.R.
6/3/28.

Tel. Address:—Depcom,
CHITALDRUG.

reply, please refer to
No. A2. 2260/27-28
Enclosures.

13

OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT.

Dated Chitaldrug, 24th November 1928

C.3263
22—23
HSB
38R

OFFICE OF THE REVENUE COMMISSIONER
No.
NOV 26 1928
IN MYSORE.

FROM C.S.Kuppuswamiengar, Esq.,

Deputy Commissioner,
Chitaldrug District.

To

P.G.D'Souza, Esq., B.A.,B.L.,

Revenue Commissioner in Mysore,

Bangalore.

Sir,

With reference to your memo No. C. 3263 of 22-23 dated the 10th September 1927, calling for my opinion Re: the annual rent to be levied in lieu of assessment on assessed S. Nos. included in the prospecting licenses, I have the honour to state that in consideration of the damages likely to be caused to the assessed Government lands on account of the excavations made for the removal of minerals, etc., it seems very necessary to recover an initial deposit of at least Rs 50/- per acre to cover expenses for making good the damages if the lessees fail to do so

In lieu of land revenue payable on such lands, I would suggest the annual rent leviable under the mining rules being increased by annas 8/- per acre.

I have the honor to be

Sir,

Your most obedient servant,

For Deputy Commissioner,
Chitaldrug District.

Subd with references — Tumkur D.C's report which has not been received will be awaited, if approved

Rejts & ptt is sent from a long time. Please put up a note & Memo orders

Subd—
A draft summarising the opinions of the DCs and without the opinion portion's Subd for approval and thy orders. Vide pages 71-74 Rev Ml for rules on the subject.

14

No. C. 3263/22-23 One Bundle

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

Dated, Bangalore, the 19th April 192 9

17/5/29 Cer 17/5

9763 SECRETARIAT 17 MAY 29 DEVELOPMENT BRANCH

Tells May.

Dear Sir,

I am desired to return Herewith, with thanks, the Geological Department File No. 145 B. of 1903-04 containing the discussions etc, that led to the issue of Government notification No.Geo 555-8 dated 2nd March 1904, received with your D.O. letter No.D. 9058/Geel-30-27 dated 2nd March 1929.

Yours sincerely,

W Meyer

N. Rama Rao, Esq. B.A., B.L.
Secretary to Government
Development Departments.

F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 10/3/22

Signed by M.E.R.

List of enclosures.....

Copied by.....

Examined by.....

Section Genl.

File No.

Serial No. 2

No. D 7708

To

The Dir. of Ecol

Sir

I am directed to forw
for to kindly forward for
reference & return the origin
corrs which led to the iss
of Notifn no. 555-S & 2.3.0.
revising the rules for the fra
of Explorng & Prospecting lic
& mining leases in Mysor

I have &c

WD
9/3
for Secy. to Govt.

over

M.G.D. 12.]

16 *Dated, Bangalore,*

~~No. #~~ D. Dis No 5 of 26-27 16 - 3 - 1927.
with a file

FROM

P. SAMPAT IYENGAR, Esq,. M.A.,
Director, Mysore Geological Department.

GEN. & REV. 5980 DEVELOPMENT BRANCH

To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Departments.

SIR,

In compliance with your letter No. D.7708, dated 10th March 1927, I have the honour to forward herewith this office File No. 145/03-04 B, being papers relating to the powers of the Durbar to deal with mining concessions in Mysore and to frame and amend rules therefor' in which is contained the original correspondence leading to the issue of Notification No. 555-S, dated 2nd March 1904, revising the Rules for the grant of mineral concessions in the State. The file may kindly be returned as soon as done with.

I have the honour to be,
Sir,
Your most obedient servant,

P. Sampat Iyengar

Director,
Mysore Geological Department.

M.R/15.

APP. F. VI. Gl.]

17

SUBJECT.....

.....

.....

Diary No. of letter replied to. 6615

Section Geol.

File No.

Serial No.

No. 10883 (Geol)

General and Revenue Secretariat

( )

the *192*

To

The Director of Geol.

Sir,

Date of issue 31.5.27

Signed by Mr. V.S.

With reference to Memorandum 4621 & 21/12/26 forwarding for your information, copy of the office letter No. D. 4620/Geol. 39-26 & 21/12/26 addressed by the Rev. Comm^r in Mysore, in the matter of the recovery of land Revenue on assessed survey Nos. included in the mining leases, I am directed to forward herewith copy of letter No. C. 3263/22-23 & 17.2.27 from the Rev. Comm^r in Mysore and to request that

List of enclosures.....

Copied by.....

Examined by.....

over

18

What Govt. may be favoured
with your further views in
this matter, at a very early date, to getter with full
present practice obtaining in this regard in British India ?
information as to
I have &c

23/5/27 Yours &c

Ky
23/5

1928.

M.G.D. 12.]

No. D, Dis. 5/26-27

Dated, Bangalore,

14-6-1927

From

P. SAMPAT IYENGAR, Esq,. M.A.,
Director, Mysore Geological Department.

GEN. & REV. SECRETARIAT. 16 JUNE 1927 DEVELOPMENT BRANCH. 8345

To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaj of Mysore,
Development Departments.

Sir,

I have the honour to invite your kind attention to this Office No.D.Dis.5 of 1926-'27, dated 16-3-'27, and to request the early return of the marginally noted file forwarded therewith.

No.145/03-04 - B. being ' papers relating to the powers of the Durbar to deal with Mining Concessions in Mysore and to frame and to amend rules therefor ' containing the original correspondence leading to the issue of Notn. No.555-S, dated 2-3-1904, revising the rules for the grant of Mineral Concessions in the State.

Link-file

I have the honour to be,
Sir,
Your most obedient servant,

N. Sampat Iyengar

Director,
Mysore Geological Department.

P. F. VI. Gl.]

RO

SUBJECT. Urgent

Diary No. of letter replied to. E 5145

Section

File No.

Seria No.

No. D. 11455 D 27/6/27

Face Land File

To The Dir. of Geol

General and Revenue Secretariat

( )

the 192

Sir

Date of issue 27-6-27

Signed by [illegible]

With reference to Your letter No. D, Dis 5/26-27 dt 16.6.27 I am directed to return herewith, for reference, Your office file No. 145 of 1903-190 relating to the powers of the Durbar to deal with mining Concessions in Mysore, & to request that the same may be returned, with at a very early Your opinion on the matt

List of enclosures.

Copied by.

Examined by.

over

WD 0562—GPE—31,000—17-8-25

The 21
of recovery of land revenue
on assessed survey numbers
included in the running leases
called for in this office letter
No. ~~Rev~~ D 10683 of 31-5-27 ~~for~~
~~Kasaragod dated~~ dismissed

20

VS

Ecr. 30-27-1

M.G.D. 12.]

Dated, Bangalore,

No. R. Dis 182/27-28 18-7-1927
like a file

GEN. & REVENUE SECRETARIAT
20 JULY 1927
DEVELOPMENT BRANCH.

FROM

P. SAMPAT IYENGAR, ESQ,. M.A.,
Director, Mysore Geological Department.

To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Departments.

SIR,

With reference to your letter No. D.10683/Geol. dated 31st May 1927, in re - the levy of rent on mining blocks, I have the honour to state as follows- :-

2) The levy of an annual rent on mining blocks at a uniform rate of Rupee one per acre was first introduced in the Rules of March 1904 and was in lieu of the inconvenient levy of revenue assessment on the various classes of lands included within the blocks. Before its introduction the question was very - thoroughly discussed from all view points as can be seen from the Notes of Dr. W.F. Smeeth, of Col. Grant, of Mr. V.P. Madhava Rao, of Mr. C. Srinivasa Iyengar, of Sir P.N. Krishnamurthi &c., contained in this office File No.145-B of 1903-04, which is herewith re-transmitted to you as desired in letter No.D. 11455, dated 27th June 1927.

3) It is clear from the recommendations of Dr. Smeeth & the discussions thereon that the uniform rent of one Rupee per acre is to be paid by the lessee for all lands (both occupied & unoccupied) comprised within the mining block. While this ground rent of one Rupee is being collected there is also provision - for land assessment on occupied land payable by the Registered occupant so long as he continues to hold it for agricultural - purposes. But if he were to hand it over to the lessee (on any consideration) for mining purposes then alone the land assessment on that particular piece of land cannot be collected. In such a contingency the Government should rest content with the ground rent of one Rupee per acre paid by the lessee. Even, this has been shown, in the discussions referred to above, to be

be advantageous to Government in the long run.

4) Again the rules in force do not give the lessee any right to step into any portion of the occupied land without the owner's consent or without acquiring possession of the land. This safeguards the interest of the occupant & also in a way the recovery of land assessment. Neither can the lessee use the acquired land for any purposes other than for mining purposes If he does so, there is, I believe, the power reserved by Government to charge land assessment in addition to the ground rent, or to impose a deterrant penalty for appropriating land to purposes other than for what it was meant.

5) The rules laid down in Art. 98 (page 71) of the Revenue Manual Vol. I - read with Section 48 (b) of the Land Revenue Code clashes no doubt with the mining rules, inasmuch as suitable modifications in the Code and the rules were not made when the mining rules of 1904 were promulgated.

6) The levy of the fixed Surface rent on mining blocks at the uniform rate of Rupee one per acre has been a very wholesome measure. It has worked satisfactorily these 23 years to the benefit of the State and with least hardship or inconvenience to the Mining public and the Revenue authorities, as can be seen from the following statistics :-

Number of Leases granted since 1905 to date ----------41.
(omitting those in respect of the Kolar Gold Field blocks under the renewal terms)

Total Extent ----------15843 acres
(including occupied & unoccupied, arable and unarable, assessed and unassessed lands). or 24¾ Sq.Miles.

Total Rent recovered from 1905 to 1926 or for 22 years.-----Rs.1,28,272/-
or an average of Rs.5830/- per year.

7) So also in respect of the Kolar blocks - the most equitable arrangement adopted of an uniform rate of half a Rupee per acre has been working very satisfactorily

8) In the above circumstances a going back to the old system of land assessment cannot be conceived of and in my opinion it is necessary that suitable modifications should be made in the Revenue Code and the Manual

24

9) In British India the rule appears to be the usual rent rate assessable under the Revenue Law or if no such rate is assessable it will be fixed by Government subject to a maximum of Rupee one and a minimum of annas four per acre. This proviso is on a par with the system followed in Mysore.

I have the honour to be,

Sir,

Your most obedient servant,

Sampat Iyengar

Director,

Mysore Geological Department.

M.R/16.

25 2 27

APP. F. VI. (1).]

SUBJECT.....

.....

.....

Section ~~L.R.~~ Revl

File No. ~~360/25~~ 30-27

Serial No. 2

No. D 2097 & 2174/27

Diary No. of letter replied to 532

General and Revenue Secretariat

( )

the *192*

To

The Rev. Comm.

.....

Sir

Date of issue 25.8.27

Signed by P. 1126

With reference to your letter No C 3263/22-23 of 22-2-27 soliciting orders in the matter of the recovery of land revenue on assessed S. Nos included in the Prospecting licenses & Mining leases I am directed to state that the levy of assessment under L. R. rules in addn to an annual rent under the Mining Rules does not seem to be justifiable, and the question was

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over

settled in 1904 after much discussion. Article 9 of the Rev. Manual seems therefore to require revision in order that it may be in harmony with Mining Rules and the rents ~~Rents~~ realised under the latter may be considered as the assessment payable under the ~~latter~~ former.

I am accordingly directed to request you to submit for reconsideration ~~Rents~~ in view of the general rise in assessment, what should be the rate of annual rent to be levied in lieu of assessment, taking into consideration the fact that ~~and forwards your opinion whether~~ by prospecting or mining land is considerably damaged by licensees & lessees and that they now pay apart from the royalty for minerals removed is not adequate for loss of assessment and cost of making good the damages caused by them when they neglect this work.

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form.)

2)

Whether the increased payment to be demanded of them should take the form of enhanced annual (rent) per acre or of an (enhanced) capital deposit to be forfeited and used for fencing and other measures when the licensees lessees do not themselves attend to such measures or abandoning their blocks or hastily in one form and hastily in the other are also points which may be considered.

The favour of an early reply on all the points raised is requested

Yours etc

Dir
13/8
Gen. Secy

2nd

WD 2230—GPB—1,00,000—23-7-20

25 2 [illegible]

A[illegible] F. VI. Gl.]

SUBJECT.....

.....

.....

Section Genl

File No. 3-68-26 30-37

Serial No. 3

No. D. 2058 & 2578/37

Diary No. of letter replied to 5-32

General and Revenue Secretariat

( )

the *192*

To

The Dir. of Genl

Sir.

Date of issue 25-5-37

Signed by [illegible]

With reference to Genl. Letter No. 2 Dis No. 1/27-28 & 18 furnishing your opinion as regards the recovery of land revenue on assessed S. Leases included in the Mining leases I am directed to request you to reconsider [illegible], in view of the general rise in assessment what should be the rate of annual rent to be levied

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2

in lieu of assessment ~~taxing~~ taking into consideration ~~the~~ fact that ~~furnish good opinion whether~~ by prospecting or mining, land ~~to be~~ is considerably damaged by licensees & lessees and ~~that~~ what they now pay apart from the royalty for minerals removed is not adequate for loss of assessment and cost of ~~mining~~ making good the damages caused by them when they neglect this work ~~and~~ whether the increased payment if any, to be demanded of them should take the form of enhanced annual rent per acre, or of an enhanced initial deposit to be forfeited and used for fencing and other measures when licensees & lessees do not themselves attend to such measures on abandoning their blocks or partly in one form & partly in the other, are also points to be taken into consideration.

The favour of an early reply is requested.

I have the
Dept
13/8 Der.

Geol 30-27-4.

M.G.D. 12.] Dated, Bangalore,

No. R Dis 1/27-28 13-5-1927.

2232

GEN. & REV. SECRETARIAT,
14 SEP. 1927
DEVELOPMENT BRANCH.

From

P. SAMPAT IYENGAR, Esq., M.A.,
Director, Mysore Geological Department.

To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Departments.

Sir,

With reference to the points raised in your letter No D.2098/Geol. 30-27-3, dated 25th August 1927, I have the honour to inform you again after careful consideration that the present ground rent of one rupee per acre collected from the lessee for all lands (both occupied and unoccupied) comprised within the mining block is equitable and fair. It is well known that a large number of Economic minerals (Ores) are found only in waste unoccupied lands. Normally such waste lands do not bring in any land revenue (or if at all very little revenue) to the Government. Now the lessee pays ground rent for all such waste lands within his mining block whether he raises any mineral or no, and this should be considered to compensate amply whatever loss the Government may sustain in land revenue owing to the activity at times of the lessee in some of the assessed survey lands. I therefore consider a necessity has not arisen to increase this ground rent. Neither the increasing of it will be to the interest of mining activity in the State.

2) As I have pointed out in the 3rd & 4th paras of my previous letter No.Dis1/of 27-28, dated 18th July 1927, on the subject, this ground rent is not in lieu of any land assessment and as such land revenue can also be recovered from the Registered Occupants so long as they continue to hold the assessed Survey numbers within the mining block for Agricultural purposes. The Government therefore will not suffer any loss in such cases.

Rtm P.T.O

3) It is only in rare instances the assessed survey numbers are interfered with and taken up for mining purposes by the lessee. Even then the land can be set right and made fit for agricultural purposes again provided of course the surface of the land has not been disfigured much. There is the deposit amount to fill up shallow excavations & pits. This may not be possible when there are deep & wide pits. But such deep mining usually connotes great mineral output and increased Royalty to Government. The latter would have made good the loss otherwise sustained in land Revenue.

4) It is therefore desirable that as suggested in my previous letter the Land Revenue Code and the Manual should be suitably modified to be in conformity with the mining rules.

5) Now as regards the enhancement of the deposits to fulfil obligations under Mining Lease such as the filling in or fencing of pits &c., at the time of the termination of the lease the present deposit of Rupees 1000/- seems to be adequate. If necessary this deposit may be enhanced. But I fail to see how this question of deposit has anything to do with the levy of annual ground rent and land revenue on assessed survey numbers.

6) The rent recoverable under Prospecting License rules is slightly different being one anna to one Rupee per acre. The deposits now received under Prospecting License is found inadequate to fill in excavations &c., and this has to be enhanced. The question will be taken up while suggesting modifications to the existing rules.

I have the honour to be,
Sir,
Your most obedient servant,

Director,
Mysore Geological Department.

M.R.

32

APP VI. Gl.]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

No. D 3312 dt 28/9/27

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *192*

To

The Rev. Carey

.....

Date of issue 28.9.27

Signed by .....

Sir

I am directed to ~~do~~ invite ~~your~~ ~~letter~~ attention to this office letter No. D. 2097/Genl. 30-27-2 dt 25-8-27 calling for some further information in the matter of levy of ~~land~~ L.R. assessment in addition to mining rent ~~and demanded~~ and to request You to kindly expedite the submission of the report therein called for.

I have the honour to be
Sir
Your most obedient servant

Under Secy

List of enclosures.....

Copied by.....

Examined by .....

over

33

Appendix F G—1

SUBJECT.....

.....

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Section Geol

File No. 30-27

Serial No. R

No. D 7173

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The Rev Comm

in mysore

Date of issue 12/11/28

Signed by Mr C S Norohna

Sir,

I am desired to invite Govt attention to this office No. D. 2097/Geol. 30-27-2 of 25.8.27 and subsequent communications ending with No. D. 5523/27-11-28 requesting you to favour Govt. with Govt opinion in the matter of the levy of land Rev Assessment in addition to the in the case of lands leased out for mining mining fees, and to

List of enclosures.....

Copied by.....

Examined by.....

over

34

request that the reports called for may be kindly added. for the information of Govt at a very early date

Yours sincerely

CW
11.1.09

Dr Dev: Esq

VC

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

No. L.C. C.3263/22-23.

Bangalore, 1st February 192 9

6377
FEB
DEVELOPMENT BRANCH

Dear Sir,

With reference to your letter No. L. 2097/Geol. 30-27-2 dated 25th August 1927 calling for a report in the matter of the recovery of assessment on assessed survey numbers included in prospective licenses and mining leases I write to state that I considered it necessary to know the discussions that led up to Government Order of 1904 referred to in para 1 of your letter before sending a final reply to Government in the matter. I therefore request you to be so good as to forward the Secretariate file on the subject for reference.

Yours sincerely,

To

L. Rama Rao, Esq., B.A., B.L.,
Secretary to Government,
Development Department.

Appendix F G—1

36

SUBJECT.....

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Section Geol

File No. 30-27

Serial No.

Diary No. of letter replied to 637

Do No. D. 9058/Genl

General and Revenue Secretariat

( )

the 192

To

.....

Date of issue 2/3/29

Dear Sir

Signed by Mr. N. Rama Rao

~~With reference to~~

Your D.O. [illegible] No. C. 3263/22-23

of the 1st July 1929 ~~I am~~

directed to forward for

I am reference and return

the Geol Deptt

file no. 145 B of 1903-1904

containing the discussions

etc. that led to the issue

of the Govt

[illegible] Notification No. Geol. 535-S

of the 2nd March 1904

Yours &c

List of enclosures.....

Copied by.....

Examined by.....

Over

2/3/29

WD 0399—GPB—20,000—18-9-28

To P. S. D Souza, Esqr. B A B L

Rev Comr in Mysore

No. C 3263/22 23
nine

Geol 30-27-5 37

8 MAY 1929
DEVELOPMENT BRANCH

OFFICE OF THE REVENUE COMMISSIONER
MYSORE,

Dated, Bangalore..19th..April.....192 .9

25
17/5/29

FROM

P. G. D'SOUZA, ESQ., B.A., B.L.,
Revenue Commissioner in Mysore.

To General
The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

SIR,

With reference to your letter No.D.2097/Geo.-30-27-2 dated 25th August 1927 stating that a levy of assessment under the Land Revenue Rules on assessed S.Nos included in prospecting licenses and mining leases in addition to an annual rent under the mining rules is not called for and requesting me to state, in view of the general rise in assessment and other circumstances mentioned in your letter, what should be the rate of annual rent to be levied on such lands in lieu of assessment, I have the honour to state as follows:-

2) A copy of your letter under reference was forwarded to the Deputy Commissioners for expressing their opinion on the subject; the replies received so far are given below.

3) The Deputy Commissioner, Bangalore is of opinion that in case an assessed land is actually diverted permanently to non-agricultural purposes or rendered unfit for cultivation a fine under Section 63 may be levied, that where the land is used for non.agricultural purposes but can be used again for agricultural purposes an annual ground rent at rates varying from 1 pie to 3 pies per square yard may be levied and that in the case of assessed S.Nos. included in the area which are however not put by the licensees to any non-agricultural use full assessment may be levied As for enforcing protective measures, the Deputy Commissioner Bangalore says that the licensees and lesses may be required to deposit the approximate value of fencing etc., within a fortnight whenever called-upon to do so the amount being refundable if fencing etc., is done by the lessee or licensee. He states that it is understood that the licensees deposit a sum of Rs 100/-

towards the expenses and that this sum may be raised further in particular areas or in respect of licenses for particular minerals when the pits have to be taken deep.

4) The Deputy Commissioner Kolar points out that the existing rates of annual rent and deposits prescribed in the rules published with notification No.G.25838-Geol.57-18-20 dated 19th May 1920 are as noted in the margin, that the rent which lessees are required to pay at present does not compensate for the loss of assessment and that the lumpsum deposit made by the lessees is found to be quite inadequate to make good the damages caused by them by way of digging trial pits etc., when they neglect or abandon the work, that further it may not be possible to say with any definiteness whether the surface area of the mining blocks will be fit for cultivation when mines cease to work and that so far as the immediate question is concerned the existing rates required to be enhanced. He observes that the maximum rate of dry assessment as per survey valuation is Rs 3/ and the minimum Rs 1-4-0 per acre in the District, and expresses an opinion that an annual rent of Rs 2/- per acre is reasonable in the case of both the mining and prospecting licenses and that the initial deposit also may be doubled in both the cases.

For prospecting licenses
Rule 21- Annual rent Re.1/-per acre
Rule 22. Deposit Rs 100/-

For mining leases.

(clause 6 of the mining lease published with the above notification) Annual rent Re 1/- per acre Rule 37 Deposit Rs 1000/-

5) The Deputy Commissioner, Mysore states, that a rent of Rs 3/- an acre may be levied in respect of dry lands included in prospecting licenses and Mining leases, that Government wet and garden lands will not ordinarily be included in such lincenses or leases but that if they are the rent should be Rs 15/- per acre and the payment should be made annually in advance on 1st July failing which the lease or license should automatically lapse.

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6) The Deputy Commissioner Hassan is of opinion that the rent to be demanded from a lessee may be suitably enhanced so as to include loss of assessment on the land and the cost of making good the damages caused to the land, that the initial deposit rates to be demanded from a lessee may remain as they are, that if damages are extensive and if the cost of restoring the land to its original condition is very great and exceeds the deposit amount also, actual cost of restoration will have to be recovered from the lessee in addition to rent.

7) The Deputy Commissioner, Shimoga is of opinion that the amount of initial deposit now received is too small to cover the expenses of fencing and filling up of pits dug up during the term of the linenses and leases and that the same may therefore be increased to double the prese t rates. As for enhancement of rent in lieu of the assessment on lands included in the area under prospecting licenses and mining leases, the Deputy Commissioner is of opinion that the rent in the case of assessed lands may be fixed at double the rates of survey assessment of the lands concerned, the rent realised in the case of unassessed lands being continued at the present rates.

8) The Deputy Commissioner, Kadur, observes that where Government assessed lands are given out for prospecting purposes both the surface and the underground soil is given over to the person, that as an agricultural land it was yielding Government the revenue thereon, that for prospecting purposes a fee~~s~~ was being levied in addition, that the lands given out ~~is~~ likely to be rendered unfit for cultivation that even though a deposit is insisted on it is likely that the damage in many cases may not be repairable at all and that therefore it is but just that if the land revenue be not recovered as an independent revenue and the prospecting fee separately, the fee may be raised by the assessment of the land. He states that the deposit for rendering the land fit for cultivation may be fixed sufficiently high to cover the cost of filling up pits etc. according to each case plus also a sum

sum equal to 25 times the land revenue so that in case the land is rendered so unfit as to make the cultivation impossible it may be treated as kharab. The Deputy Commissioner further states that under Sec 48 Land Revenue Code lands included in prospecting licenses and mining leases may be assessed not only at the usual rate of assessment but also at an enhanced rate and that rate ought to include such expenses and losses to Government, that therefore the annual rent per acre under the mining rules ought to include land revenue plus, as an upset price, the malki value and that in addition to all this a sum not less than 25 times the assessment may be recovered as a deposit returnable to the party after the lapse of the period of lease in part or in full, after examining the land and assessing the damage caused.

9) The Deputy Commissioner, Chitaldrug, states that in consideration of the damages likely to be caused to the assessed lands on account of the excavations made for the removal of minerals etc., it seems very necessary to recover an initial deposit of at least Rs.50/- per acre to cover expenses for making good the damages if the lessees fail to do so. He suggests that in lieu of land revenue payable on such lands the annual rent leviable under the mining rules may be increased by annas eight per acre.

10) I have perused the discussions which led the Government to sanction the levy of a rent of Re.1/- per acre over the whole extent comprised in a mining lease. It is seen therefrom that the levy was taken as equivalent to the loss sustained by Government in the shape of Land Revenue present and prospective. It is not quite clear from existing orders whether the notification should be interpreted as committing Government irrevocably to the principle of levying a fixed rate depending upon the extent. But having regard to the magnitude of the interests involved, my interpretation of the rule is that it is open to Government to revise the arrangement from time to time but probably not so as to affect persons who have been given a lease under the existing rules. In this connection reference is invited to paras 17 to 23 and 26 and 27 of the 1st note of Mr. V. P. Madhava Rao (copy attached) which explains the

the principle; on the subject very ~~vividly~~ lucidly. I am altogether opposed to any concession being given in the application of the existing revenue rules in view of the profits Government may derive from the industry in other respects. I do not consider that the ordinary payment to which the lessees will be liable under the Land Revenue Code will be a serious burden having regard to the ~~volume~~ Value of the industry and as the injury done to the land in case the enterprise fails will be a source of permanent loss, Government are perfectly justified in imposing such conditions as would ensure a satisfactory return as far as the agricultural interests are concerned.. As suggested by Mr. Madhava Rao these lands should be liable to a special assessment under Section 63 Land Revenue Code. The fine leviable may be excused. This special assessment may be fixed at 5 times the assessment leviable on the land in the areas on which mining operations are ~~caused~~ carried on.

11) The lessees should pay the full assessment on all unoccupied assessed lands and 8 annas per acre on unassessed lands. As pointed out by Mr. Madhava Rao no remissions should be given.

12) Mr. Madhava Rao has described in sufficiently emphatic terms the evils of fixing a uniform rate of one rupee per acre and I am strongly of opinion that the present opportunity should be taken to place the whole question of levying the assessment on such lands on a more scientific and rational basis. Should however Government consider the ~~matter~~ matter themselves to have been finally decided by the notification No. 555 S dated 2nd March 1904 fixing the rent at a fixed rate of rupee one per acre, the question that will have then to be considered is only whether in view of the increase that is derived on account of the resettlements in the shape of Land Revenue the rent fixed so far back as 1905 may not be revised. I am of opinion that in this case the rent may be raised so as to be as near as possible to the maximum dry rates levied in the area i.e., not less than Rs.2/- per acre.

13) The replies of the Deputy Commissioners in original are submitted herewith.

I have the honour to be,
Sir
Your most obedient servant,

Revenue Commissioner.

Geological Secretary's Note dated 14th March 1903.

Rules for prospecting licenses.

X X X X X X

X X X X X X

17. In the first place it should be clearly understood that under the Mysore lease the lessee does not pay the assessment on occupied lands comprised in his lease unless and until he has become the occupant and he will not generally have become the occupant until the land is wanted by him for actual working and he has bought out the surface rights of the occupant. Government will lose the revenue it is entitled to on this land if it remits it altogether or levies only one rupee per acre. Under Sections 48 and 63 of the Land Revenue Code it is entitled to levy land revenue on all lands appropriated for agriculture and if these lands are applied to other purposes to such revised assessment as may be imposed. It is also entitled under Section 63 to levy a fine when agricultural land is applied to purposes unconnected with agriculture. It has hitherto waived this right to levy a fine and it was right in doing so. We need not further discuss this part of the question.

18. As regards unoccupied assessed lands it is but proper that the lesses should pay the assessment on such lands as applications for occupying them will not be entertained during the currency of the lease. Similarly unassessed lands have properly been charged with a rent of 8 annas. As far as I can see there is no hardship in levying these assessments. They represent the surface rights of Government and I do not see why the Government should forego them. They have been hitherto levied and there have been no complaints as far as I am aware. On the contrary Government have granted large remissions amounting to thousands of rupees on unassessed lands. It is not desirable to do this and the remissions I fear, have been responsible for prospectors and mining lease holders

taking up larger areas than they were able to manage. Assigning such extensive areas has been attended with hardship to villagers also, without any adequate benefit to the State revenue or profit to lessees. I would therefore recommend the retention of the clause as in the existing leases and let the lessees know that remission would under no circumstances be granted. It is noticeable that the Government of India insist upon the land revenue being paid on all lands which the lessee "may take up, use, or occupy". Rule 22 (iii).

19. This is certainly less onerous than the Mysore practice of levying assessment on all lands comprised in the lease whether taken up, used or occupied or not. But to compensate the loss in this direction the Government of India have in addition to levying land revenue on all lands which the lessee "may take up, use, or occupy" ruled that after the first year a dead rent of not less than one rupee per acre shall be levied on all lands comprised in a lease for gold or silver mining Rule 22 (ii) and this is to be foregone only when the royalty on the lease exceeds the dead rent. So that on a mining lease granted under the Government of India Rules, there is first the deposit, then the dead rent after the first year with a view to see that the land is not kept idle but mining operations are effectually carried on and the liability to pay the dead rent ceases only when the royalty exceeds the dead rent on the lease. These two items refer to the mining rights. But the liability to pay land revenue for surface rights is not affected by the special obligations created in connection with these rights. The Rule is that land revenue fixed on a piece of land or assessable on it shall be paid by every person who wishes to occupy Governmentland. The assessment may be varied if Government land taken up for one purpose is used for another purpose but the liability to pay revenue continues. It is immaterial who pays the assessment. It may be the occupant of the land or the holder

of the mining license when he takes up, uses, or occupies the land. The assessment is fixed on the land and the occupier has to pay it whoever he may be.

20. I think it is against all precedent and against the well understood land policy of Government to propose to take off the assessment fixed by the Survey Department on a piece of land and to levy a uniform rate of one rupee per acre irrespective of the quantity and advantages of the land in an agricultural point of view. It will unsettle what has been done by the Survey Department at so much cost and trouble. One can easily imagine the extent of evil done when 100 mining lessees are let loose in different tracts and are allowed to do what they please with Government lands provided they have bought out the holder or occupant. The distinction of inam, jodi, kayamgutta, wet, garden and dry, in fact all traces of the operations of the Survey and Settlement Department are to disappear for the benefit of mining lessees who after all may or may not succeed in their venture. There will be great confusion in the village and survey accounts and when as is likely, many of the mining lessees abandon the lands, the work of resurvey and reclassing will have to be gone over again. It is not as if we were operating in a new country with no existing rights and system of land revenue and record. Mysore is essentially an agricultural country. Such violent changes in the land revenue system should not be introduced unless there is grave necessity for it. The Government of India have not proposed any such change, but make the payment of land revenue obligatory on all lands taken up, used or occupied.

21. The collection of land revenue should rest with the Deputy Commissioners as hitherto based on the entries in the Revenue records as to who is liable to pay the assessment on a particular piece of land irrespective of whether such land is comprised in a mining lease or not. Over and above this and uite unconnected with this should be the management of mining questions which should rest with the Geological Department.

P.T.O.

22. If I understand the situation aright the present trouble is due to the fact that the lessee has to pay the assessment on all /6/ unoccupied land if assessed and on unoccupied unassessed land comprised in his lease whether he uses or occupies or takes up that land or not and considering that such lease extends over one /4 square mile and generally embraces unoccupied land the onerousness of the charge can easily be imagined. The lessee as a compensation for this payment wishes to exercise rights of grazing or of cultivation which of course the terms of the lease do not permit him to do. I have known cases where a lessee kept out cattle from large tracts of grazing land and actually levied a grazing fee from the surrounding villagers. This is neither desirable in the interests of Government nor of the lessee. To remedy this inconvenience and annoyance to Government or in other words to the ryot, and unnecessary charge to the lessee, I would propose that the lessee be charged land revenue or jodi or whatever is payable to Government on land already assessed and 8 annas or even 4 annas per acre on unassessed land, only when land is "taken up or used, or occupied" for mining purposes and not on all land comprised in a lease. The lessee may be asked to give intimation within 15 days of such "taking up, use, or occupation" to the Deputy Commissioner who shall enter the lessee's name in the Revenue accounts as the person liable to pay the revenue. If the land has been permanently taken up and used for mining purposes and has been so disfigured as to be unfit for being put to agricultural use application may be made to the Deputy Commissioner who will have the assessment changed under Section 48. Only to this extent should any interference with the existing arrangements regarding Survey and assessment of lands liable to land revenue be allowed to be disturbed. Instances of this kind will be few and the large revenue obtained from mining will be sufficient justification for the survey records being changed.

23. When thus land revenue is charged only on portions of the land comprised in the lease which are actually taken up there should be a corresponding modification in the system of charging

dead rent. This, as in the Government of India Rules should be a yearly dead rent of not less than 1 rupee per acre. We may adopt the minimum laid down by the Government of India which is one rupee per acre to be paid after the first year of the lease. I propose such a low rate as our leases comprise 1 square mile or 640 acres whereas the Government of India leases are limited to 1/3 of a square mile or only 160 acres. By this arrangement we should also promote diligent work on the mining block.

X X X X X X

X X X X X X X X

26. Para (25) Has been anticipated by me in previous paragraphs. I am however doubtful of the ~~property~~ propriety of the procedure in entering land resigned as unarable or kharab.

To allow the land assessment put upon lands comprised in a mining block to be taken off and a new assessment of one rupee per acre substituted may lead to abuse of the privilege and to introducing a disturbing element in the land revenue system of Government. The temptation to get highly assessed lands into the possession of the lessee so as to get the assessment reduced will be great. The ryots will thereby lose the status of independent peasant proprietors and become laborers and tenants under the lessee. The fear of a dead rent of Rs.5/- per acre will not be sufficient deterrent It is a question if the dead rent referred to in clause 9 D could be imposed unless the lessor is satisfied that mining operations have not been properly conducted and under the terms of the old lease (A file) the dead rent has to be deducted from the royalty if the royalty is larger in amount. This is on lines of Government of India Rule 22 (ii). Dead rent and royalty refer to the exercise of mining rights, but liability to pay land revenue accrues from the fact of occupying the land and the payment of one rupee per acre is not "for the mining rights" as stated by the State Geologist.

27. Para (25) (b) I do not see ~~why~~ any harm in the provision

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about compensation being retained on the other hand I think it is quite necessary. Why should the lessee be compelled to buy out the occupant. If in the course of conducting mining operations any injury should be done to private property why should the occupant or holder or tenant be denied the right to compensation. There may be cases where the consent of the occupier has not been obtained. Para 25 C. I do not also see any harm in retaining clause 31.

X X X X X X X

X X X X X X X

" E x t r a c t "

For Revenue Commissioner.

BR.

Appendix F G—1

49

SUBJECT.....

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Diary No. of letter replied to..... 9501 / 4766

Section Ecol

File No. 30-27

Serial No. 6

No. D/3718

General and Revenue Secretariat

( )

the 192

To

The Rev. Comer

Date of issue 27/6/29

Sir

Signed by H.V.C.S. Nevill

With reference to your letter No. C. 3263/22-23 of 17-5-29 in the matter of levy of land assessment on lands covered by mining prospecting licenses & mining leases in addition to the dumping fee, I am directed to request you to be so good as to obtain the opinion of the Crown Prosecutor thereon and forward

List of enclosures.....

Copied by.....

Examined by.....

over

SD

the same for the information
of Govt as it has not been
furnished with Embassy letter
under reply

Obliged

Civ
26.6.39

for Dep. Leg

[illegible]

51

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

No. C. 3263/22-23

Bangalore, 2nd May 1930.

FROM

Rajakaryapravina
P. G. D'SOUZA, ESQ., B.A., B.L.,
Revenue Commissioner in Mysore.

To

The Deputy Commissioner
Tumkur District.

~~SIR~~,

In inviting reference to this office docket No. C. 3263/22-23 dated the 20th December 1929 and the subsequent reminder thereto, in re: the recovery of assessment on assessed Survey Numbers included in prospecting licenses and leases etc., has the honor to request him to be so good as to kindly submit his opinion immediately as frequent reminders are being received from Government in the matter.

Sd/- P.G. D'Souza,
Revenue Commissioner.

<u>M e m o.</u>

Copy of the above is forwarded with compliments to the Secretary to Government, Development Departments, for information with reference to his letter No. D.13718/30-27-6 dated 27-6-1929.

Submitted for perusal
16/5/30
M.B.R.

Yercaseeja Rau
Revenue Commissioner.

Geol 30-27-7

No. C.3263/22-23.

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE,

Dated Bangalore, 11th November 193 0.

FROM

S. P. Rajagopalachari, Esq., B.A., B.L.,
Revenue Commissioner in Mysore.

06164

TO B. Narayanaswami Iyengar, Esq., B.A., B.L.,
The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Development Departments, *Bangalore.*

DEVELOPMENT BRANCH.

SIR,

With reference to your letter No.D.13718/Geol 30-27-6 dated 27th June 1929 in the matter of the levy of land assessment on lands covered by prospecting licenses etc., I have the honour to forward herewith copy of letter No.L.Dis.Gl. 5949-29-30 dated 7th November 1930, from the Deputy Commissioner, Tumkur District, furnishing his opinion in the matter.

I have the honour to be,

S i r,

Your most obedient servant

Yeeranaiga Rao

Assistant Commissioner,
For Revenue Commissioner,
Absent from the station.

53

Letter No.L.Dis.Gl. 5949-29-30 dated 7th November 1930, from the Deputy Commissioner, Tumkur District, to the Revenue Commissioner in Mysore.

With reference to your No.C.3263/22-23 dated 18/20th December 1929 calling for my opinion in the matter of the recovery of assessment on assessed survey numbers included in prospecting licenses, I have the honour to state as follows:--

2. The levy of assessment under Land Revenue Rules in addition to an annual rent under the mining rules will not be justifiable unless of course cultivable land is or cannot be brought under cultivation on account of mining operations. No assessment need be charged for uncultivable lands. It will however be convenient if this fact is taken into consideration and an inclusive fee fixed at the time of the grant of the license. I am therefore of opinion that the initial deposit payable in respect of a license, as it now stands, as per rule 22 of the Rules relating to exploring and prospecting licenses, may be enhanced from Rs.100/- up to Rs.200/- per acre or a portion thereof.

" C o p y "

Yeara sweeja Rau

For Revenue Commissioner.

BR.

54

Appendix F G—1

SUBJECT.....

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Section Govt.

File No. 30-27

Serial No. 8

No. D 95-87 Rec'd Fil

Diary No. of letter replied to 3890

General and Revenue Secretariat
( )
the *193*

To

The Director of Geology in Abyssinia.

Date of issue 16/4/27

Sir,

I am directed to return herewith File No. 145/03-04 B of the old Geological Secretariat regarding the grant of Mineral Concessions in Abyssinia which had been forwarded by you to this office for report with your letter No. D/Dir. No. 5 of 26-27 d. 16.3.27 and to request that I have favour of an acknowledgment of the same.

I have etc.,

Signed by G. C. S. Newnham

Flag Q

List of enclosures.....

Copied by.....

Examined by.....

Ca
11/4

For Director of Geology & Mines.

[over

D02559—GPB—25,000—25-6-30.

GOVERNMENT OF MYSORE

Telegraphic Address:—"GEOL."

MYSORE GEOLOGICAL DEPARTMENT.

No. D. Geo. 5/26-27

Bangalore, 16/14 April 19 31.

7145

GEN. & REV. SE. 17 APR. 1931 SECRETARIAT. DEVELOPMENT BRANCH.

FROM

P. SAMPAT IYENGAR, ESQ., M.A.,
Director of Geology in Mysore,
Bangalore.

31
15/4/31/1145

To

N. RAMA RAO, ESQ., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

SIR,

I have the honour to acknowledge the receipt of your letter No.D.9589/Geol.31-27-8 dated 14th April 1931 forwarding therewith file No.145/B of 1903-04 regarding the grant of mineral concessions in Mysore.

I have the honour to be,

Sir,

Your most obedient servant.

For D i r e c t o r,

Mysore Geological Department.

Bs.15-4

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30